

REMARKS

Claims 1, 3, and 5-16 were pending. Claims 10-12 are withdrawn as directed to a non-elected invention. Claims 1, 3 and 5-9 and 13-16 stand rejected. Claims 1, 3, and 5 are hereby amended to reflect compositions having two components: a viral component and a cell or tissue component. Claim 7 is amended for consistency with claim 5.

Support for the amendments is found at p. 62, l. 20-30 and following, disclosing preparation of influenza vaccine from the whole mass of infected eggs; at p. 4, l. 18 and following disclosing two components in the compositions; and p. 48, ll. 28-32, disclosing preparation of the compositions of the invention from cells; and elsewhere in the specification.

Rejections under §103.

Item 6. Claim 1 stands rejected under §103 as obvious over Meruelo et al.

The Examiner rejected claim 1 on the basis that the claim is drawn to any vaccine comprising a dry, heat inactivated influenza antigen and that Meruelo teaches the use of dry, heat inactivation of influenza.

The claim as amended is drawn to a vaccine comprising one or more dry and heat-inactivated influenza antigens denatured at higher than 60°C and influenza-infected denatured cells. Meruelo et al. does not teach a composition having both dry, heat-inactivated influenza antigen and influenza-infected denatured cells. Moreover, the concept of incorporating host cells or tissue runs counter to modern concepts of vaccine production and would not be obvious for a scientist to try.

Withdrawal of the rejections of claim 1 is respectfully requested.

Item 7. Claims 3, 5-9 and 13-16 stand rejected under §103 as obvious over Meruelo et al. in view of Felici et al. or Ooyama et al., which are of record.

Felici et al. and Ooyama et al. were relied upon by the Examiner merely to provide support for the concept of making immunogens and compositions in the form of

pills. Neither reference discloses the composition and immunogen of the invention as amended.

Claims 3 and 5 have been amended to add a limitation to pathogen-infected denatured cells. Meruelo et al. does not disclose incorporation of infected host cells or tissue into the composition or immunogen. Moreover, as stated above, one of skill in the art would not so contradict accepted methods of immunogen production as to add pathogen-infected denatured cells. Thus the claims as amended are not obvious over the art of record.

Withdrawal of the rejections of claims 3, 5-9, and 13-16 is respectfully requested.

Conclusion

Entry of the amendment is respectfully requested.

Applicants have included fees for a one month extension of time and a Request for Continuing Examination and believe no additional fees are due with this amendment. However, if any additional fees are due, please charge our Deposit Account No. 22-0185, under Order No. 22220-00003-US from which the undersigned is authorized to draw.

The Examiner is urged to directly contact the undersigned at 202-331-7111, if doing so would speed allowance of the claims.

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Respectfully submitted,

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